

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

BALADE YOUR WAY, INC., ET AL.¹

Lead Case No. 23-11384 (DSJ)
(Jointly Administered)

Debtors.

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**ORDER AUTHORIZING AND APPROVING EMPLOYMENT OF
KLINGER & KLINGER, LLP AS ACCOUNTANTS TO THE DEBTORS AND
DEBTORS-IN-POSSESSION**

UPON the application (the “Application”)², of the debtors and debtors-in-possession in the above-captioned Chapter 11 cases, (the “Debtors”) for an entry of an order to employ and retain Klinger & Klinger, LLP (“Klinger”) as accountants to the Debtors as of October 3, 2023; and upon consideration of the Affidavit of Lee Klinger in support of the Application; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein being a core proceeding pursuant to § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Application having been provided to the necessary parties; and it appearing that no other or further notice need be provided; and it appearing that Klinger neither holds nor represents any interest adverse to the Debtors’ estates; and it appearing that Klinger is a “disinterested person,” as that term is defined in Bankruptcy Code section 101(14); and it appearing that the relief requested in the Application is in the best interests of the Debtors, their estates, their creditors and other parties in interest; and as required by § 327(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”) and Rule 2014 of the Federal Rules of Bankruptcy

¹ Jointly administered with Great Caters LLC (Tax ID No. **-*8508), Case No. 23-11383 (DSJ).

² Capitalized terms used but not defined herein shall have the meanings as ascribed thereto in the Application.

Procedure (“Bankruptcy Rules”); and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the Application is granted as set forth herein; and it is further

ORDERED, that pursuant to § 327(a) of the Bankruptcy Code, the Debtors are authorized to retain and employ Klinger as their accountants in accordance with the terms and conditions set forth in the Application and in the Debtors’ Chapter 11 cases; and it is further

ORDERED, that Klinger shall file fee applications for interim and final allowances of compensation and reimbursement of expenses pursuant to the procedures set forth in section 330 and 331 of the Bankruptcy Code; and it is further

ORDERED, that to the extent that this Order is inconsistent with the Application, the terms of this Order shall govern; and it is further

ORDERED, that Klinger is authorized to provide various services that may include, but are not necessarily limited to the following services to the Debtors:

- a. Identify and facilitate the Debtors’ restructuring options, assisting the Debtors in exploring strategic alternatives and assisting the Debtors in navigating a bankruptcy process, as needed, including preparation of documentation attendant to a bankruptcy filing;
- b. Assist the Debtors in the preparation of short and long-term projections (balance sheet, profit and loss, and cashflows);
- c. Assist the Debtors in the preparation of financial-related disclosures required by the Bankruptcy Court, including any amendments to the Debtors’ Schedules of Assets and Liabilities, Statements of Financial Affairs, monthly operating reports, etc.
- d. Institute procedures to ensure the safekeeping and security of the Debtors’ assets;
- e. Assist the Debtors in resolving vendor issues;

- f. Assist the Debtors with information and analyses required by parties in interest or pursuant to its cash collateral arrangements;
- g. Assist the Debtors in the preparation of financial statements;
- h. Preparation of financial statements and other reports as may be required by the Court or under the United States Trustee Guidelines;
- i. Such other professional accounting services as may be required by the Debtors in order to comply with the requirements of the Court, the US Trustee and the Bankruptcy Code;
- j. Assist the Debtors in daily administrative and operational duties;
- k. Prepare and validate updated and ongoing 13-week cash flow projections, including analyzing historical cash disbursements and receipts and results of operation to determine the reasonableness of projected cash flows and short-term cash needs;
- l. Render such other general services consulting or other such assistance as the Debtors or their counsel may deem necessary; and it is further

ORDERED, that at least 10 days before implementing any increases in Klinger's rates for professionals in this case, Klinger shall file a supplemental affidavit with the Court that shall explain the basis for the rate increases in accordance with Section 330(a)(3)(F) of the Bankruptcy Code. All parties in interest, including the Subchapter V Trustee and the U.S. Trustee, retain all rights to object to any rate increase on all grounds, including but not limited to, the reasonableness standard provided for in § 330 of the Bankruptcy Code; and it is further

ORDERED, that Klinger shall be compensated and reimbursed upon notice and an appropriate hearing pursuant to §§ 327, 330 and 331 of the Bankruptcy Code, as the case may be, and the applicable Bankruptcy Rules, Local Rules and fee and expense guidelines and orders of this Court; and it is further

ORDERED, that if Klinger becomes aware of any further connections to creditors or parties in interest in the Debtors' Chapter 11 cases it will supplement its disclosures to the Court; and it is further

ORDERED, that the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and it is further

ORDERED, that if there is any inconsistency between the terms of this Order, the Application, and the Affidavit of Lee Klinger in support thereof, the terms of this Order shall govern.

Dated: New York, New York
October __, 2023

HON. DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE